



Weekly Summary of Cases

National Labor Relations Board

Week of July 12-16, 2010, W-3269

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Summarized Board Decisions

Carnival Carting, Inc. and Romar Sanitation, Inc. (29-CA-20586, 22552; 355 NLRB No. 51) Woodside, NY, July 13, 2010. [[HTML](#)] [[PDF](#)]

The Board found that Carnival Carting, Inc. and Romar Sanitation, Inc. are a single employer and therefore are jointly liable for Carnival Carting, Inc.'s unlawful termination of an employee in 1996. The Board ordered Carnival Carting, Inc. and Romar Sanitation, Inc. to pay the terminated employee's full backpay, plus interest, as well as to reimburse, with interest, the union's pension fund and severance plan. (The Board rejected the employer's challenge of the ALJ's credibility resolutions and its contention that the ALJ was biased.)

Charges filed by Local 813, International Brotherhood of Teamsters. Administrative Law Judge Eleanor MacDonald issued her supplemental decision February 9, 2010. Chairman Liebman and Members Becker and Pearce participated.

Vincent/Metro Trucking, LLC (18-CA-18935; 355 NLRB No. 50) Minneapolis, MN, July 13, 2010. [[HTML](#)] [[PDF](#)]

The Board unanimously adopted the judge's findings that the employer violated the Act by preparing, circulating, and collecting affidavits soliciting employees to withdraw recognition from the Union; withdrawing recognition from the Union on the tainted basis of the unlawfully solicited affidavits; bypassing the Union and dealing directly with employees; and failing to supply the Union with relevant information it had requested. The Board ordered the employer to bargain with the union to remedy the unlawful withdrawal of recognition. In addition, because the unfair labor practices were sufficiently serious and affected the entire bargaining unit, the Board directed that the remedial notice be read to employees by the employer or by a Board agent in the employer's presence. Member Schaumber found that the unfair labor practices, while serious, did not warrant this extraordinary remedy.

Administrative Law Judge Bruce D. Rosenstein issued his decision June 25, 2009. Charge filed by United Food and Commercial Workers Local 789. Chairman Liebman and Members Schaumber and Becker participated.

Seafarers International Union, Atlantic, Gulf, Lakes & Inland Waters District NMU, AFL-CIO (25-CD-301, 355 NLRB No. 53) Portage, IN, July 14, 2010. [[HTML](#)] [[PDF](#)]

The Board awarded the disputed work to employees represented by the Seafarers rather than to employees represented by Operating Engineers Local 150. The work involved the infrequent operation of a hydraulic picker as part of a harbor dredging project. The Board rejected Operating Engineers Local 150's argument that the hearing should be quashed because there was no reasonable cause to believe that the Seafarers had violated the Act. In awarding the work to the Seafarer-represented employees, the Board relied on the factors of collective-bargaining agreements, employer preference and past practice, relative skills and training, and economy and efficiency of operations. The Board limited the award to the particular controversy that gave rise to the proceeding.

Charge was filed by Luedtke Engineering Company. Chairman Liebman and Members Schaumber and Becker participated.

Kane Steel Company (4-CA-37179, 37274; 355 NLRB No. 49) Millville, NJ, July 13, 2010. [[HTML](#)] [[PDF](#)]

The Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the consolidated complaint. Charges filed by United Auto Workers of America, Amalgamated Local Union No. 2327 and Teamsters Local Union No. 429. Chairman Liebman and Members Becker and Pearce participated.

Delaware Valley Designers and Manufacturers, Inc. (4-CA-37307; 355 NLRB No. 52) Pennsauken, NJ, July 16, 2010. [[HTML](#)] [[PDF](#)]

The Board granted the Acting General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint. Charge filed by New Jersey Regional Council of Carpenters. Chairman Liebman and Members Becker and Pearce participated.

Unpublished Board Decisions in Representation Cases

Kindred Healthcare, Inc. (28-RC-6644) Albuquerque, NM, July 13, 2010. The Board reviewed the record in light of exceptions and brief, adopted the hearing officer's findings and recommendations and found that the election held on April 1 and 3, 2009 should be set aside and a new election held. Petitioner – District 1199NM National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO. Chairman Liebman and Members Schaumber and Pearce participated.

Gorbett Enterprises of Solon, Inc. (6-RC-12747) Cranberry, PA, July 14, 2010. No exceptions having been filed to the Regional Director's report recommending disposition of objections to an election held June 10, 2010, the Board adopted Regional Director's findings and recommendations, and found that a certification of representative should be issued. Petitioner – Teamsters Local Union No. 538 Affiliated with the International Brotherhood of Teamsters.

155 West 21st St., LLC (2-RC-23466) New York, NY, July 14, 2010. No exceptions having been filed to a Regional Director's report recommending disposition of objections to an election held May 5, 2010, the Board adopted Regional Director's findings and recommendations, and found that a certification of results of election should be issued. Petitioner – Local 116, RWDSU, UFCW.

Castlewood Country Club (32-RD-1590) Pleasanton, CA, July 14, 2010. No exceptions having been filed to an Administrative Law Judge's (ALJ's) report recommending disposition of objections to an election held April 2, 2010, the Board adopted ALJ's findings and recommendations, and found that a certification of representative should be issued. Petitioner – an Individual.

CPM Acquisition Corporation d/b/a California Pellet Mill (25-RD-1537) Crawfordsville, IN, July 15, 2010. No exceptions having been filed to a hearing officer's report recommending disposition of objections to an election held March 15, 2010, the Board adopted hearing officer's findings and recommendations, and found that a certification of representative should be issued. Petitioner – an Individual.

Decisions of Administrative Law Judges

S.K. Plastics Corp. (29-CA-29832; JD(NY)-24-10) Brooklyn, NY. Charge filed by Local 132, New York New Jersey Regional Joint Board, Workers United, SEIU. Administrative Law Judge Joel P. Biblowitz issued his decision July 13, 2010. [[HTML](#)] [[PDF](#)]

San Juan Bautista, Inc. d/b/a San Juan Bautista Medical Center (24-CA-11419; JD(ATL)-16-10) Caguas, PR. Charge filed by Hermandad de Empleados de la Salud y Otras Agencias. Administrative Law Judge William N. Cates issued his decision July 14, 2010. [[HTML](#)] [[PDF](#)]

Ford Motor Corporation (7-CA-52422, 7-CB-16658; JD(ATL)-15-10) Wayne, MI. Charges filed by an Individual. Administrative Law Judge Keltner W. Locke issued his decision July 15, 2010. [[HTML](#)] [[PDF](#)]

Dickens, Inc. (29-CA-29080, et al.; JD(NY)-25-10) Commack, NY. Charges filed by an Individual. Administrative Law Judge Raymond P. Green issued his supplemental decision July 16, 2010. [[HTML](#)] [[PDF](#)]
